

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JAMES E. MCWILLIAMS, #62006

PLAINTIFF

versus

CIVIL ACTION NO. 5:05cv175DCB-JCS

CORRECTIONS CORPORATION OF AMERICA, et al.

DEFENDANTS

ORDER

The plaintiff, an inmate currently incarcerated in the Wilkinson County Correctional Facility, Woodville, Mississippi, filed this action pursuant to 42 U.S.C. § 1983 and requested *in forma pauperis* status. The named defendants are: Wilkinson County Correctional Facility and Medical; Corrections Corporation of America; Mississippi Department of Corrections; and Wilkinson County Sheriff's Department.

On December 21, 2005, the Court entered an order denying the plaintiff's request for *in forma pauperis* status based on his "three strikes" pursuant to 28 U.S.C. § 1915(g).¹ The plaintiff was directed to pay the filing fee within thirty days or this case would be dismissed without further written notice to the plaintiff. On December 29, 2006, the plaintiff filed a motion to reconsider the Court's denial of *in forma pauperis* status. On January 9, 2006, the Court entered an order denying the plaintiff's motion to reconsider and the plaintiff was directed to pay the filing fee within thirty days or this case would be dismissed without further written notice to the plaintiff.

¹ "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."

On February 3, 2006, the plaintiff filed a notice of appeal to the United States Court of Appeals for the Fifth Circuit. After the Court rescinded an order which inadvertently granted the plaintiff *in forma pauperis* status on appeal, the Fifth Circuit dismissed the plaintiff's appeal for want of prosecution on May 12, 2006.

The plaintiff has failed to pay the filing fee for this action thereby failing to comply with two court orders. This Court ordered the filing fee for this action to be paid no later than February 9, 2006. However, in light of the fact that plaintiff had an appeal pending from February 3, 2006 to May 12, 2006, this Court will allow the plaintiff additional time to pay the filing fee for this action before summary dismissal. Accordingly,

IT IS HEREBY ORDERED AND ADJUDGED, that plaintiff is granted thirty (30) days from the date of this order, to pay to the Clerk of Court the requisite filing fee of \$250.00.

Plaintiff is warned that his failure to pay the filing fee within thirty days will result in the dismissal of this case, without further written notice to the plaintiff. In addition, the plaintiff is reminded of his obligation to keep this Court informed of his current address.

SO ORDERED AND ADJUDGED, this the 19th day of May, 2006.

s/James C. Sumner
UNITED STATES MAGISTRATE JUDGE